

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  2947.1009001	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No.  PCT/US 03/41690	International filing date (day/month/year)  31/12/2003	(Earliest) Priority Date (day/month/year)  06/01/2003
Applicant  ELI LILLY AND COMPANY		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2.  **Certain claims were found unsearchable** (See Box I).

3.  **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

FUSED HETEROCYCLIC DERIVATIVES AS PPAR MODULATORS

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

as suggested by the applicant.

because the applicant failed to suggest a figure.

because this figure better characterizes the invention.

None of the figures.

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 03/41690

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC 7	C07D403/12	C07D405/12	C07D409/12	C07D413/12	C07D417/12
	A61K31/4155	A61K31/422	A61K31/423	A61K31/427	A61K31/428
	A61K31/437	A61K31/55	A61P3/10	A61P29/00	

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, CHEM ABS Data

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	WO 03/074051 A (FILZEN GARY FREDERICK ; GEYER ANDREW GEORGE (US); CHENG XUE-MIN (US) 12 September 2003 (2003-09-12) page 3, line 20 -page 7, line 14; claims 1,9-13,15; examples 3-12,14-18,18F,20,21,23-25 ---	1-114
X	WO 02/102780 A (ONO PHARMACEUTICAL CO ; TAJIMA HISAO (JP); TATSUMI TADASHI (JP); FU) 27 December 2002 (2002-12-27) abstract; claims; examples; table 1 & EP 1 405 848 A 7 April 2004 (2004-04-07) --- -/--	1-114

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

7 May 2004

Date of mailing of the international search report

21/05/2004

Name and mailing address of the ISA

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	RAMI H K ET AL: "Synthetic ligands for PPAR gamma - review of patent literature 1994-1999" EXPERT OPINION ON THERAPEUTIC PATENTS, ASHLEY PUBLICATIONS, GB, vol. 10, no. 5, 2000, pages 623-623, XP002257971 ISSN: 1354-3776 the whole document, in particular compound 5 in figure 3 ---	1-114
Y	WO 02/060434 A (BOUERES JULIA K ;DESAI RANJIT C (US); KOYAMA HIROO (US); MERCK & C) 8 August 2002 (2002-08-08) page 24, line 6 -page 26, line 2; claims; examples 2,3,10,13,16-18,25,26,28 ---	1-114
Y	WO 02/096904 A (SHIRAHASE HIROAKI ;KASAI MASAYASU (JP); KOBAYASHI HIDEO (JP); MATS) 5 December 2002 (2002-12-05) claims; examples 2-4,6-9,11 & EP 1 398 313 A 17 March 2004 (2004-03-17) ---	1-114
Y	WO 02/30895 A (BAYER AG) 18 April 2002 (2002-04-18) claims 1,46-60; examples 209,212,220,240,356ETC -----	1-114

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.1

Although claims 50-100 and 108-114 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

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Continuation of Box I.1

Claims Nos.: 50-100,108-114

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

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Continuation of Box I.2

Claims Nos.: 1-11,19,28,29,38,47-62,70,79,80,89,98-100(all part)

Present claim 1 and all claims referring back to the current general formula relate to an extremely large number of possible compounds thereby encompassing known specific compounds. Besides the unlimited expressions "aryl", "heteroaryl", "aliphatic linker" etc. which among others may all be optionally substituted (see description) in particular the undefined connectivities give rise to a very large number of alternatives. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the compounds claimed. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to the compounds of claims 12-18,20-27,30-37 and 39-46 (which have in common that "E" represents "C(R3)(R4)COOH or COOH", "R2" is a bond and "R3" represents phenyl, optionally substituted by "R10 or R11", compositions containing the same and uses thereof. All of the examples are included thereby.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US 03/41690

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: 50-100, 108-114  
because they relate to subject matter not required to be searched by this Authority, namely:  
see FURTHER INFORMATION sheet PCT/ISA/210
  
2.  Claims Nos.: 1-11, 19, 28, 29, 38, 47-62, 70, 79, 80, 89, 98-100(all part)  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
  
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 03/41690

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
WO 03074051	A	12-09-2003	WO US	03074051 A1 2003207915 A1	12-09-2003 06-11-2003
WO 02102780	A	27-12-2002	EP WO	1405848 A1 02102780 A1	07-04-2004 27-12-2002
WO 02060434	A	08-08-2002	CA EP WO US	2427610 A1 1347755 A2 02060434 A2 2002103242 A1	08-08-2002 01-10-2003 08-08-2002 01-08-2002
WO 02096904	A	05-12-2002	CA WO	2448639 A1 1398313 A1 02096904 A1	05-12-2002 17-03-2004 05-12-2002
WO 0230895	A	18-04-2002	AU CA EP HU NO WO US	1190102 A 2427499 A1 1341761 A1 0302477 A2 20031619 A 0230895 A1 2003087902 A1	22-04-2002 18-04-2002 10-09-2003 29-12-2003 02-06-2003 18-04-2002 08-05-2003